

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Hiroshi Nagai et al.

SERIAL NO.: unassigned  
(National Phase of PCT Application No. PCT/JP2005/001700)

FILING DATE: herewith

TITLE: Functional Beverage and Composition

EXAMINER: unassigned

ART UNIT: unassigned

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COMMISSIONER FOR PATENTS  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT**

In compliance with the duty of disclosure under 37 C.F.R. §§ 1.56, 1.97 and 1.98, applicant hereby submits this Information Disclosure Statement (IDS) including a Form PTO-1449 containing a list of references which may be material to the examination of the above-referenced application. This submission is not to be construed as a representation that a prior art search has been conducted, that additional information material to the examination of this application does not exist, or that any one or more of the listed references constitutes prior art.

The Examiner is urged to carefully consider this Information Disclosure Statement and all the listed references, and to indicate same by initialing the appropriate portion(s) of the Form PTO-1449 and forwarding an initialed copy to applicant.

## I

This statement is filed pursuant to **(CHECK ONE BOX)**:

**37 C.F.R. § 1.97(b).**

This information disclosure statement is filed either:

- (1) within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);
- (2) within three months of the date of entry of the national stage as set forth in 37 C.F.R. §1.491 in an international application;
- (3) before the mailing date of a first office action on the merits; **or**
- (4) before the mailing of a first office action after the filing of a Request for Continued Examination under 37 C.F.R. §1.114, **whichever event occurs last.**

**Accordingly, this information disclosure statement requires no fee and no certification.**

**37 C.F.R. § 1.97(c).**

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97(b), but **before** the mailing date of any of the following:

- (1) a final action under 37 C.F.R. § 1.113;
- (2) a notice of allowance under 37 C.F.R. § 1.311; **or**
- (3) an action that otherwise closes prosecution in the application.

**Accordingly, this information disclosure statement requires either:**

- (1) the fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c); **or**
- (2) a certification according to 37 C.F.R. § 1.97 (e)(1) or (2).

**37 C.F.R. § 1.97(d).**

This information disclosure statement is filed **after** the period specified in 37 C.F.R. § 1.97 (c).

**Accordingly, this information disclosure statement requires:**

- (1) a certification in accordance with 37 C.F.R. § 1.97(e); **and**
- (2) the fee specified in 37 C.F.R. § 1.17 (p) to consider an information disclosure statement under 37 C.F.R. § 1.97(d).

If this statement crosses in the mail with an office action, or is otherwise not in the indicated category of 37 C.F.R. §1.97, it is respectfully requested that this statement be treated in the next appropriate category and made of record. **To the extent required, please treat this paper as a conditional petition for acceptance of the information disclosure statement.**

10/588428

Docket No.: SHOB-0005 (037498-000006)

IAP11 Rec'd PCT/PTO 04 AUG 2006

## II

### Fees Due (CHECK ONE BOX):

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No fee is due.

☐

The fee specified in 37 C.F.R. § 1.17(p) for submission of an information disclosure statement under 37 C.F.R. § 1.97(c) or 37 C.F.R. § 1.97(d) is enclosed (\$180).

## III

### Certification (CHECK ONE BOX):

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No certification is necessary.

☐

Pursuant to 37 C.F.R. § 1.97(e)(1), the undersigned hereby certifies:  
That each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

☐


Pursuant to 37 C.F.R. § 1.97(e)(2), the undersigned hereby certifies:  
No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this information disclosure statement.

## IV

Please charge any additional required fee or credit any overpayment to our deposit account number 50-1698.

Respectfully submitted,  
THELEN REID & PRIEST LLP

Dated: August 4, 2006



Masako Ando  
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Form PTO 1449 (Rev. 2-32) U.S. Department of Commerce Patent and Trademark Office				Atty. Docket No. SHOB-0005		Serial No. unassigned	
<b>Information Disclosure Statement by Applicant</b>				Applicant: Hiroshi Nagai et al.			
(Use several sheets if necessary)				Filed: herewith		Group: unassigned	
<b>U.S. Patent Documents</b>							
Init.		Document No.	Date	Name	Class	Subclass	Filing Date
<b>Foreign Documents</b>							
							Translation
Init.		Document No.	Date	Country	Class	Subclass	Yes      No
	A	62-32842	02/12/1987	JP			(abstract)
	B	7-227210	08/29/1995	JP			(abstract)
	C	10-175874	06/30/1998	JP			(abstract)
	D	10-234301	09/08/1998	JP			(abstract)
	E	11-107	01/06/1999	JP			(abstract)
	F	11-127781	05/18/1999	JP			(abstract)
	G	11-146761	06/02/1999	JP			(abstract)
	H	2000-159670	06/13/2000	JP			(abstract)
	I	2001-145456	05/29/2001	JP			(abstract)
	J	2001-253879	09/18/2001	JP			(abstract)
	K	2001-348339	12/18/2001	JP			(abstract)
	L	2002-234846	08/23/2002	JP			(abstract)
	M	2004-105078	04/08/2004	JP			(abstract)
	N	1 157 693	11/28/2001	EP			
<b>Other Documents (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
	O	Muramatsu, Kei-ichior, "Cha no Kagaku", pgs. 124-183, Asakura Publishing Co., Ltd., 2000 (english abstract provided)					
Examiner					Date Considered		
Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include a copy of this form with the next communication to applicant.							